



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 18, 2020

ELECTRONIC MAIL

Ms. Beth Mitchell
SePRO Corporation
11550 North Meridian Street, Suite 600
Carmel, Indiana 46032
bethm@sepro.com

Re: SePRO Corporation
Notice of Warning for Distribution of a Misbranded Pesticide
Case File No. FIFRA-04-2020-1018

Dear Ms. Mitchell:

The U.S. Environmental Protection Agency has obtained evidence indicating that SePRO Corporation appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On or about February 3, 2020, CH Powell Company, the licensed customs broker for SePRO Corporation, submitted a Notice of Arrival of Pesticides and Devices (NOA) in the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system for the importation and shipment of 250 drums, each weighing 40 kilograms, of the pesticide product Sonar Technical (EPA Reg. No. 67690-6) that arrived at the Port of Charleston, South Carolina under entry number 605-45656716 on or about February 6, 2020.

Upon review of a copy of the label that was uploaded into the ACE Document Image System (DIS), as representative of the label affixed to the drums containing the pesticide product Sonar Technical, and the entry documentation provided to the EPA by SePRO Corporation through the CBP's ACE system, the label did not show the net weight in pounds. Pursuant to 40 CFR 156.10(d)(3), if the pesticide is solid or semisolid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces. Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136(j)(1)(E), it is unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded.

On or about March 2, 2020, CH Powell Company, submitted a second NOA in the CBP ACE system for the importation and shipment of 250 drums, each weighing 40 KG, of the misbranded pesticide product Sonar Technical that arrived at the Port of Charleston, South Carolina under entry number 605-45658753 on or about March 3, 2020. On or about March 18, 2020, CH Powell Company, submitted a third NOA in the CBP ACE system for the importation and shipment of 140 drums, each weighing 40 kilograms, of the misbranded pesticide product Sonar Technical that arrived at the Port of Dallas Fort Worth, Texas under entry number 605-45662060 on or about March 16, 2020. On or about March 27, 2020, CH Powell Company, submitted a final NOA in the CBP ACE system for the importation and

shipment of 360 drums, each weighing 40 kilograms, of the misbranded pesticide product Sonar Technical that arrived at the Port of Charleston, South Carolina under entry number 605-45661989 on or about March 26, 2020. Upon review of the labels that were uploaded to the ACE DIS, the labels appeared to be misbranded in the same manner as described above.

Between February and April 2020, the EPA advised CBP, SePRO Corporation, and CH Powell Company that each shipment could be conditionally released to the importer for up to 30 calendar days so that the drums could be transported to a SePRO Corporation EPA-registered Establishment to be brought into compliance. After verifying compliance through photographs submitted between March and April 2020, the company was issued a release letter and could sell and distribute their product in all four shipments

Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136(j)(1)(E), it is unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded. In response to the apparent violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to SePRO Corporation pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response. Since the company has certified compliance for the above referenced violations, the EPA is closing this matter with no further response from you needed.

Since your company may be classified as a small business, you may want to review the Information Sheet “U.S. EPA Small Business Resources,” which can be found on the internet at: www.epa.gov/compliance/small-business-resources-information-sheet. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kanoelehua Ho of the EPA Region 4 staff at (404) 562-9162.

Sincerely,

Alan A. Annicella
Acting Chief
Chemical Safety and Land Enforcement Branch

cc: David Star, EPA Region 5 (electronic mail)